

H. B. No. 80 was passed to third reading be reconsidered?

#### Welcome Resolutions

S. R. No. 318 — By Senator Schwartz: Extending welcome to John Hamilton, et al.

S. R. No. 320—By Senator Spears: Extending welcome to students of Southern Cross Junior High School of San Antonio.

S. R. No. 321—By Senator Herring: Extending welcome to students and principal of Bastrop High School.

S. R. No. 322—By Senator Herring: Extending welcome to students and sponsors of Rosewood Elementary School of Austin.

S. R. No. 323—By Senator Moore: Extending welcome to students, teacher and sponsor of Marlin High School.

S. R. No. 324—By Senator Spears: Extending welcome to students and teachers of Texas Government Class of San Antonio.

S. R. No. 325—By Senator Moore: Extending welcome to students and teacher of Giddings School.

#### Memorial Resolution

S. R. No. 317—By Senator Watson—Memorial resolution for Robert L. (Bob) Lillard.

#### Adjournment

Senator Cole moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Question on the motion to adjourn, Yeas and Nays were demanded.

The motion to adjourn prevailed by the following vote:

#### Yeas—17

Aikin	Moffett
Blanchard	Owen
Calhoun	Parkhouse
Cole	Ratliff
Colson	Reagan
Dies	Rogers
Hardeman	Spears
Harrington	Word
Kazen	

#### Nays—12

Creighton	Crump
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Hazlewood	Patman
Herring	Richter
Kennard	Schwartz
Krueger	Strong
Moore	Watson

#### Absent—Excused

Bates	Hall
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Accordingly the Senate at 11:53 o'clock a.m. adjourned until 10:00 o'clock a.m. tomorrow.

#### FORTY-SIXTH DAY

(Thursday, March 28, 1963)

The Senate met at 10:00 a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

#### Absent—Excused

Bates	Owen
Creighton	Spears

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence

Senator Owen was granted leave of absence today on account of important business on motion of Senator Calhoun.

Senator Spears was granted leave absence for today on account of important business on motion of Senator Calhoun.

Senator Creighton was granted leave of absence for today on account of illness on motion of Senator Her-ring.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
March 28, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 54, In memory of Mr. Olin Guy Wellborn.

The House has concurred in Senate amendments to House Bill No. 496 by non-record vote.

S. B. No. 152, A bill to be entitled "An Act creating the Travis State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying scholastics; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk House of Representatives

#### Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,  
March 28, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 18, have had the same under consideration, and a motion to report the bill favorably failed by a vote of 12 Nays and 5 Yeas.

AIKIN, Chairman.

Austin, Texas,  
March 28, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 436, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
March 28, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 42, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
March 28, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 219, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

AIKIN, Chairman.

C. S. S. B. No. 219 was read the first time.

Senator Reagan submitted the following report:

Austin, Texas,  
March 28, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We your Committee on Banking, to whom was referred H. B. No. 16, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

#### Senate Bill 439 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Cole:

S. B. No. 439, A bill to be entitled "An Act creating a conservation and reclamation district to be known as Clear Lake City Water Authority; describing the area of the Authority; finding that all of the land and other property within the Authority will be benefitted; finding that the boundaries of said Authority form a closure; setting forth the rights, privileges, powers, authority and functions

of the Authority; providing that it shall not be necessary to call a confirmation election, a hearing on the exclusion of lands, or a hearing on the plan of taxation; providing further rights, powers and authority; providing for the use of public roadways, streets, alleys or public easements; providing for contracts with municipal corporations and others relating to the development of lands; providing for a Board of Directors; making provision in the event of relocation, raising, re-routing or changing the grade of, or altering the construction of any highway, railroad, or similar facilities; providing that the bonds of the Authority are legal and authorized investments of certain entities; providing for a depository bank; providing for the keeping of a complete system of accounts; finding that the Authority will be performing an essential public function; finding that the enactment hereof is in fulfillment of a duty conferred by the Constitution of the State of Texas; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions.

S. C. R. No. 24, Authorizing acceptance by the University of Texas of certain lands in the Camp Swift Military Reservation in Bastrop County, Texas.

S. C. R. No. 33, Authorizing the Texas Department of Public Safety to erect a combination district and communication facility in Amarillo.

H. B. No. 290, A bill to be entitled "An Act fixing the salaries to be paid certain officials, appointed officials and employees in certain counties; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 9, A bill to be entitled "An Act providing an elective method for calculating and determining the standard annuity allowable to members of the Teachers Retirement System of Texas, and prescribing an additional minimum service retirement benefit payable to teacher members and teacher beneficiaries; defining

certain terms as used herein; etc., and providing an emergency."

#### Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,  
March 27, 1963.

To the Senate of the Fifty-Eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Branch Pilots for the Ports of Galveston and Texas City for two-year terms to expire April 1, 1965: Albert F. Schurig of Galveston, Galveston County; Ereal H. Goodwin of Galveston, Galveston County; Harry L. Coker, Jr., of Galveston, Galveston County. For a two-year term to expire April 15, 1965: Ernest E. Lance of Galveston, Galveston County.

Respectfully submitted,  
JOHN CONNALLY,  
Governor of Texas.

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 38, To the Committee on Jurisprudence.

H. B. No. 29, To the Committee on Banking.

#### House Concurrent Resolution 54 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 54, In memory of Olin Guy Wellborn.

The resolution was read.

On motion of Senator Schwartz and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

#### Motion to Print and Substitute Minority Report for Majority Report on Senate Joint Resolution 18

Senator Schwartz moved that the

Minority Report submitted on S. J. R. No. 18 be printed and substituted for the Majority Report on S. J. R. No. 18.

The motion was lost by the following vote:

## Yeas—4

Cole	Kennard
Kuzen	Schwartz

## Nays—23

Aikin	Moffett
Blanchard	Moore
Calhoun	Parkhouse
Colson	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Strong
Hazlewood	Watson
Herring	Word
Krueger	

## Absent—Excused

Bates	Owen
Creighton	Spears

## Senate Resolution 329

Senator Richter offered the following resolution:

Whereas, A young Texas boy from Gonzales, David Pruett, is credited with saving the life of Mr. and Mrs. Bob Holmes in a boating accident last July 7; and

Whereas, This 14-year-old boy valiantly risked his own life to save Mr. and Mrs. Holmes, also of Gonzales, from the surf some 200 yards off the jetty at Rockport; and

Whereas, Mr. and Mrs. Lynn Pruett and two daughters, Carol Ann and Donna, and son, David, had invited Mr. and Mrs. Holmes and daughter, Sharon, on a fishing excursion; and

Whereas, The 21-foot boat fell into a trough and almost tipped over, throwing Mrs. Holmes, who could not swim, and Donna Pruett into the water; and

Whereas, Donna, an excellent swimmer, had no difficulty in regaining the side of the boat; and

Whereas, Mr. Holmes leaped to his wife's rescue, wearing clothes and shoes, but though a good swimmer he was almost pulled under by Mrs.

Holmes who desperately grabbed the front of his shirt; and

Whereas, Mr. Pruett was working to raise the anchor, which had fallen into the 17-foot water when the boat tipped, in order to take the boat to the point some 100 yards away where the tide had carried the Holmes couple; and

Whereas, David Pruett jumped into the water and swam over to the struggling pair, grasped Mrs. Holmes from the back so that she released the stranglehold on her husband, and enabled Mr. Holmes to regain the surface of the water; and

Whereas, Together Mr. Holmes and David were able to keep Mrs. Holmes afloat until Mr. Pruett pulled alongside with the boat; and

Whereas, The courage and selfless action of David Pruett in saving the lives of Mr. and Mrs. Holmes deserves the recognition of the Senate; now, therefore be it

Resolved, By the Senate of the Fifty-eighth Legislature, that we pay tribute to David Pruett for his bravery; and be it further

Resolved, That copies of this Resolution be prepared for David Pruett and for the Holmes family as a token of our esteem, and that we extend congratulations to Mr. and Mrs. Lynn Pruett as the parents of this young man of whom they may be justifiably proud.

The resolution was read and was adopted.

The President announced the appointment of the following to escort the guests to the President's Rostrum: Senators Richter, Aikin and Herring.

The President presented Senator Richter and he presented David Pruett, his father and mother, Mr. and Mrs. Lynn Pruett, and Mr. and Mrs. Bob Holmes to the members of the Senate.

The Senate gave young David Pruett a standing ovation for his heroic act.

## Presentation of Guests

Senator Calhoun by unanimous consent presented as guests of the Senate today the members of The League of Women Voters in the gallery.

**Motion to Reconsider Vote by Which  
House Bill 80 Was Passed to  
Third Reading Withdrawn**

On motion of Senator Calhoun and by unanimous consent the motion to reconsider the vote by which H. B. 80 was passed to third reading on yesterday was withdrawn.

**House Bill 156 on Second Reading**

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 156, A bill to be entitled "An Act amending Section 14 of S. B. 221, Chapter 119, Acts 1955, 54th Legislature, Regular Session, codified as Article 3871b, Texas Civil Statutes, authorizing the Board for Texas State Hospitals and Special Schools to use any personnel and facilities under its control and management for carrying out research in mental retardation; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 156 on Third Reading**

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 156 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—27**

Aikin	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

**Absent—Excused**

Bates	Owen
Creighton	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 308 on Second Reading**

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 308, A bill to be entitled "An Act to permit bowling on Sunday; amending Article 285 of the Penal Code of Texas, 1925, to remove the prohibition against use of nine or ten pin alleys on Sunday, and amending Article 286 of the Penal Code of Texas, 1925, to exclude bowling alleys from the prohibition against opening of places of public amusement on Sunday; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend H. B. 308 by adding a new Section 2 to read as follows:

Section 2. The Penal Code of Texas, 1925, is amended by adding a new Article to read as follows:

"Article 286a.

"The provisions of Article 286, Penal Code of Texas, 1925, shall not be applicable to bowling alleys."

Add a new Section 3 to read as follows:

Section 3. The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

On motion of Senator Kennard and by unanimous consent the caption amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**House Bill 308 on Third Reading**

Senator Kennard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 308 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—23**

Aikin	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Parkhouse
Crump	Patman
Dies	Reagan
Hardeman	Richter
Harrington	Schwartz
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

**Nays—3**

Colson	Rogers
Ratliff	

**Absent**

Hall

**Absent—Excused**

Bates	Owen
Creighton	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Conference Committee Report on Senate Bill 6**

Senator Reagan submitted the following Conference Committee Report on S. B. No. 6:

Austin, Texas,  
March 26, 1963.

Hon. Preston Smith, President of the Senate.

Hon. Byron Tunnell, Speaker of The House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 6 have met and had the same under consideration, and beg to report it back with the recommenda-

tion that it do pass in the form and text hereto attached.

REAGAN  
HERRING  
KRUEGER  
BATES  
PARKHOUSE  
On the part of the Senate  
MURRAY  
CORY  
KLAGER  
PIPKIN  
PRICE  
On the part of the House.

S. B. No. 6,

**A BILL  
TO BE ENTITLED**

An Act relating to the creation of Padre Island National Seashore; containing a reverter clause; and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. The surface estate of that part of the following described lands situated in Kleberg, Kenedy, and Willacy Counties, Texas, to which the State of Texas has title or that have been acquired or that may become vested under any previous act or acts, shall be and is hereby established, dedicated and set apart as a public park for the benefit and enjoyment of the people. The surface estate in the following described lands shall be designated as the "Padre Island National Seashore," which area is described as follows:

Beginning at a point one statute mile North of the North end of North Bird Island on the easterly line of the Intercoastal Waterway;

Thence due East to a point on Padre Island one statute mile West of the mean high water line of the Gulf of Mexico;

Thence southwesterly paralleling the said mean high water line of the Gulf of Mexico a distance of three and five-tenths statute miles;

Thence due east to the two-fathom line on the east side of Padre Island as depicted on United States Coast and Geodetic Survey chart numbered 1286;

Thence along the said two-fathom line on the east side of Padre Island as depicted on United States Coast and Geodetic Survey charts numbered 1286, 1287, and 1288 to the Willacy-Cameron County line extended;

Thence westerly along said county line to a point 1,500 feet west of the mean high water line of the Gulf of Mexico as that line was determined by the survey of J. S. Boyles and is depicted on sections 9 and 10 of the map (on file in the General Land Office) entitled "Survey of Padre Island made for the office of the Attorney General of the State of Texas," dated August 7 to 11, 1941, and August 11, 13, and 14, 1941, respectively;

Thence northerly along a line parallel to and 1,500 feet west of said survey line of J. S. Boyles, to a point on the centerline of the Port Mansfield Channel;

Thence westerly along said centerline to a point three statute miles west of the said two-fathom line;

Thence northerly parallel with said two-fathom line to a point on 27 degrees 20 minutes north latitude;

Thence west along said latitude to the easterly line of the Intercoastal Waterway;

Thence northerly following the easterly line of the Intercoastal Waterway as indicated by channel markers in the Laguna Madre to the point of beginning.

Sec. 1a. Nothing in this Bill is intended to extend any recognition to any particular line as being the boundary line between the State-owned portion of the seashore and the privately owned land.

Sec. 2. The Legislature of the State of Texas hereby withdraws from sale the surface estates of all State-owned lands in said area regardless of the purpose or purposes for which they are held and regardless of the instrumentality of the State for which they are held.

Sec. 3. The United States of America through the Secretary of Interior is granted permission, subject to the limitations contained in this Act, to acquire the area that has been defined as Padre Island National Seashore and the School Land Board of the State of Texas is hereby authorized and directed forthwith to execute a deed of conveyance to the United States of America conveying all of the right, title and interest of the State of Texas in the surface estate of all lands described in Section 1 hereof, subject to the exceptions and reservations hereinafter set forth under the terms of this Act, for the Padre Island National Seashore for the use of the public as a recreation

area, in consideration of the United States of America agreeing to establish and maintain the land described in Section 1 hereof as a National Seashore area, as provided for under an Act of Congress, being Public Law 87-712, enacted by the 87th Congress of the United States, and to cede to the United States of America jurisdiction over said lands, and including lands acquired under Section 6 hereof, in conformity with the provisions of Article 5247, Revised Civil Statutes of Texas 1925. Said deed shall be executed by a majority of the then members of the School Land Board and shall also reserve to the State of Texas the right of concurrent jurisdiction with the United States of America, both civil and criminal, over every portion of the lands described in Section 1 hereof, so that all process, civil and criminal, issuing under the authority of this State or any of the courts or judicial officers thereof, may be executed by the proper officers of the State, upon any person amenable to the same within the limits of the land constituting the "Padre Island National Seashore," as set out in Section 1 hereof, in like manner and like effect as if no such cession had taken place; and, reserving further to the State the right to levy and collect taxes on sales, use or gross receipts from sales of products or commodities upon which a tax is levied in this State, and to tax persons and corporations, their franchises, properties and incomes, on land or lands conveyed under the terms of this Act; and reserving also, to persons residing in or on any of the land or lands conveyed, the right to vote at all elections within the counties in which said land or lands are located, upon like terms and conditions and to the same extent as they would be entitled to vote in such counties had not such lands been conveyed as aforesaid to the United States of America.

Said State land shall not be conveyed unless the entire mineral interest is reserved in the State, and unless the right of occupation and use of so much of the surface of the land or waters as may be required for all purposes reasonably incident to the mining, development, or removal of the minerals, is adequately protected.

In all conveyances of said park property under Secs. 3 and 6 hereof

to the United States of America, the Secretary of the Interior shall permit a reservation by the grantor of all oil, gas, and other minerals in such land or waters with the right of occupation and use of so much of the surface of the land or waters as may be required for the purposes of reasonable development of oil, gas and other minerals, under such rules and regulations as may be established by the Railroad Commission of the State of Texas. The Railroad Commission shall submit a copy of any proposed rules and regulations affecting the National Seashore area to the United States Department of Interior, Washington, D. C., by certified mail. The Department of Interior shall have thirty (30) days from receipt thereof to submit, by certified mail, to the Railroad Commission of Texas, any objection or exceptions to such proposed regulations. Thereupon, such rules and regulations, with amendments, if any, promulgated by the Railroad Commission of Texas, shall become effective. It is the intention of the Legislature of the State of Texas that the use of said land for this purpose be carried out in such manner as to not unreasonably interfere with the use of said land for park purposes.

Sec. 4. The Commissioner of the General Land Office shall prepare a list of the lands now owned in said area by the State of Texas or its instrumentalities for any purpose and deliver a certified copy of such list to the School Land Board for its records.

Sec. 5. Any deed executed pursuant to the authority hereinabove set out shall be null and void and of no force and effect and any and all rights, titles, and interests granted and conveyed thereby shall revert to the State of Texas upon the initiation by any agent, agency, officer, department, or employee of the Federal Government of the United States, whether appointed or elected, of a suit at law or in equity in any Federal Court of the United States to enlarge or expand the titles, rights, or interests granted by said deed or deeds.

Sec. 6. The United States of America, through the Secretary of the Interior, is hereby authorized to purchase, condemn, receive, hold and acquire title to the surface estate of any land not owned by the State in the area above described as the Padre

Island National Seashore for use as a recreational park; provided that the acquisition of lands in such area shall not deprive the grantor or successor in title of the right of ingress and egress for the purpose of exploring for, developing, processing, storing and transporting minerals from beneath said lands and waters with the right of housing employees for such purposes. The same reservations and regulations enumerated in Section 3 hereof, relating to civil and criminal jurisdiction, process, levy and collection of taxes, mineral development, and voting rights, shall apply to all lands acquired by the United States of America under this Section.

Sec. 7. The surface estate in and to the lands, spoil banks, easements or rights-of-way owned, leased or otherwise controlled by the Willacy County Navigation District may be acquired for inclusion in Padre Island National Seashore with the consent of the District. All such surface estates in and to lands, spoil banks, easements and rights-of-way owned, leased or otherwise controlled by the Willacy County Navigation District located in the Padre Island National Seashore shall be used solely for public purposes.

Sec. 8. The Secretary of the Interior is requested to provide for roadways from the north and south boundaries of such public recreation area to the access highways from the Mainland to Padre Island. For the purpose of this Section, the south boundary shall be considered the Port Mansfield cut.

Sec. 9. If the United States of America (1) fails to acquire the surface estate in two-thirds of the total privately-owned land located within the Padre Island National Seashore Area as defined in Section 1 of this Act within ten years from the date of acquisition by the United States of America of the State-owned portion of the land described in Section 1 hereof, or (2) after such ten-year period ceases to use the surface estate of the privately owned land so acquired under the authority of this Act for a national seashore area as contemplated herein, then in either event, all State-owned lands conveyed to the United States of America under the authority of Section 3 hereof shall ipso facto and without further action by any of the parties hereto revert to the State of Texas and to



the fund to which they belonged prior to the passage of this Act, unless such reversion shall be waived by the Legislature of the State of Texas during the biennium following the happening of either of the conditions of reversion.

Sec. 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 11. All laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict only.

Sec. 12. The fact that the United States Congress has enacted legislation creating Padre Island National Seashore and the fact that such an area will be of great benefit not only to the people of Texas but also to the nation at large, and the fact that State-owned submerged lands in this area are presently for sale to certain districts, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

#### Committee Substitute House Bill 50 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 50, A bill to be entitled "An Act amending Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as amended (codified as Article 6701d, Vernon's Texas Civil Statutes), and known as the 'Uniform Act Regulating Traffic on Highways,' by adding thereto a new article relating to speed of vehicles, rules of enforcement and admissibility of evidence; repealing Section 8 of Chapter 42, Acts of the 41st Legislature, Second Called Ses-

sion, 1929, as amended (codified as Section 8 of Article 827a, Vernon's Penal Code of Texas), and declaring an emergency."

The bill was read the second time.

Senator Hardeman offered the following amendment to the bill:

Amend the printed committee substitute for House Bill 50, Sec. 1, Paragraph 5, page 1, line 62, by changing the colon to a comma and adding the following: "for any highway outside any urban district."

The amendment was adopted.

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to the third reading.

#### Committee Substitute House Bill 50 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 50 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Crump	Ratliff
Dies	Reagan
Hardeman	Richter
Harrington	Rogers
Hazlewood	Schwartz
Herring	Strong
Kazen	Watson
Kennard	Word

#### Nays—1

Hall

#### Absent—Excused

Bates	Owen
Creighton	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Vote

Senator Hall asked to be recorded as voting "Nay" on the final passage of C. S. H. B. No. 50.

#### Presentation of Guests

Senator Schwartz by unanimous consent presented as guests of the Senate today additional members of The League of Women Voters in the gallery.

#### House Bill 266 on Second Reading

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 266, A bill to be entitled "An Act amending Section 1 of H. B. 245, Chapter 231, Acts 1961, 57th Legislature, Regular Session, Codified as Article 3174b-5, Vernon's Civil Statutes of the State of Texas, authorizing the Board for Texas State Hospitals and Special Schools to contract for medical care and treatment; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 266 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 266 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Kennard
Blanchard	Krueger
Calhoun	Moffett
Cole	Moore
Colson	Parkhouse
Crump	Patman
Dies	Ratliff
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Strong
Herring	Watson
Kazen	Word

#### Absent

Reagan

#### Absent—Excused

Bates	Owen
Creighton	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Motion to Place

#### House Bill 39 on Second Reading

Senator Moore asked unanimous consent to suspend the regular order of business and take up H. B. No. 39 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up H. B. No. 39 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

#### Yeas—13

Cole	Moore
Hardeman	Parkhouse
Harrington	Reagan
Hazlewood	Richter
Herring	Rogers
Kazen	Schwartz
Kennard	

#### Nays—14

Aikin	Krueger
Blanchard	Moffett
Calhoun	Patman
Colson	Ratliff
Crump	Strong
Dies	Watson
Hall	Word

#### Absent—Excused

Bates	Owen
Creighton	Spears

#### House Bill 12 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 12, A bill to be entitled

"An Act relating to a change in the name of West Texas State College at Canyon, Texas; amending Section 1 of Chapter 223, Acts of the 51st Legislature, 1949, so as to change the name of West Texas State College to 'West Texas State University'; ratifying and confirming in behalf of 'West Texas State University' all legislative Acts and appropriations heretofore passed in behalf of West Texas State College, West Texas State Teachers College, or West Texas State University; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 12 on Third Reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moffett
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Strong
Kazen	Watson
Krueger	Word

Nays—2

Colson                      Herring

Absent

Kennard

Absent—Excused

Bates	Owen
Creighton	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Vote

Senator Herring asked to be recorded as voting "Nay" on the final passage of H. B. No. 12.

#### House Bill 288 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 288, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Sections 17, 18, and 19, and by adding four (4) new Sections to be known as Sections 17-A, 18-A, 18-B, and 19-A; providing for the change in title from 'Aid to Dependent Children' to 'Aid and Services to Needy Families with Children'; amending the Public Assistance Program for Aid and Services to Needy Families with Children, etc., and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend House Bill No. 288 by adding a new Section to be known as Section 5A, which shall read as follows:

"Section 5A. On and after the effective date of this Act, wherever the reference is made in the Laws of this State to 'Aid to Dependent Children,' the title of such aid shall be changed to hereafter be known as 'Aid and Services to Needy Families with Children'."

The amendment was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### House Bill 288 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 288 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Strong
Herring	Watson
Kazen	Word

## Absent

Kennard

## Absent—Excused

Bates	Owen
Creighton	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—27

Aikin	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

## Absent—Excused

Bates	Owen
Creighton	Spears

## House Bill 294 on Second Reading

On motion of Senator Patman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 294, A bill to be entitled "An Act authorizing the West Side

Calhoun County Navigation District to sell certain water supply facilities and appurtenances to Guadalupe-Blanco River Authority; validating, ratifying and confirming an agreement heretofore executed by and between said District and said Authority; and declaring an emergency."

The bill was read second time and passed to third reading.

## House Bill 294 on Third Reading

Senator Patman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 294 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

## Absent—Excused

Bates	Owen
Creighton	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Welcome Resolutions

S. R. No. 328—By Senator Herring: Extending welcome to Joe and Ruth (Philard) Bart of Houston.

S. R. No. 331—By Senator Krueger: Extending welcome to students, principal and teachers of Sealy High School.

S. R. No. 332 — By Senator Schwartz for Senator Spears: Extending welcome to students of the Eighth Grade Civics Class.

S. R. No. 333 — By Senator Schwartz for Senator Spears: Extending welcome to students and teacher of Harlandale Junior High School of San Antonio.

S. R. No. 334 — By Senator Schwartz for Senator Spears: Extending welcome to students of Seventh Grade Class of Harlandale High School of San Antonio.

#### Memorial Resolution

S. R. No. 327—By Senator Herring: Memorial resolution Herman A. Glass.

#### Adjournment

On motion of Senator Moffett the Senate at 11:44 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, April 1, 1963.

**In Memory of**  
**Judge John E. Hickman**

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Senator Herring offered the following resolution:

(Senate Resolution 326)

Whereas, In the passing of the Honorable John E. Hickman on the twenty-sixth day of April, 1962, the State of Texas lost one of its most able jurists; and

Whereas, Judge Hickman served for 34 years on the Appellate bench of Texas, the last twelve years as Chief Justice of the Supreme Court of Texas, and retired in 1960; and

Whereas, He held an honorary Doctor of Laws Degree from Southwestern University, was an honorary member of Order of the Coif and of Phi Alpha Delta, was listed in Who's Who in America; and in 1952 was elected Chairman of the Conference of Chief Justices which is composed of Chief Justices from every state in the Union; and

Whereas, As a friend and counselor of young lawyers, Judge Hickman instituted the practice of formal introduction ceremonies held at a special session in open court for new lawyers; and

Whereas, His interests went far beyond his dedication to his profession; he worked tirelessly in the interest of education and for many years was a Board member of Southern Methodist University; and

Whereas, Judge Hickman was a devout Christian gentleman who for many years taught a Sunday School class at the University Methodist Church, the popularity of which necessitated holding sessions in a nearby theater to take care of the crowd; and

Whereas, He was known as the Dean of the Texas Courts and held the respect, admiration and friendship not only of members of the legal profession but of hundreds of citizens throughout the State; and

Whereas, Judge Hickman is survived by his widow and one sister, Mrs. Lina Owen, both of Austin; and

Whereas, It is the desire of the Senate of the Fifty-Eighth Legislature of the State of Texas to honor the memory of this illustrious man; now therefore, be it

Resolved, That the Senate extend to the family of Judge Hickman deep sympathy and direct the preparation of official copies of this resolution for his widow and his sister; and be it further

Resolved, That when the Senate adjourns today, it do so in memory of the late Chief Justice John E. Hickman.

**HERRING**

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Kazen, Kennard, Krueger, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

**In Memory of**  
**Clarence Jackson Butler, Cordell C.**  
**Edwards and Ray Henry Guinn**

Senator Moore offered the following resolution:

(Senate Resolution 330)

Whereas, The Lower Rio Grande Valley and the State of Texas suffered a great loss in the death of three outstanding citizens, Clarence Jackson Butler, Cordell C. Edwards, and Ray Henry Guinn, when their plane crashed near Encino, Texas on Tuesday, March 26; and

Whereas, All were prominent in Democratic Party politics and were returning home from Austin, where they had transported State Senator James Bates of Edinburg, law partner of Mr. Butler; and

Whereas, Clarence Jackson Butler, who was 42, was a resident of McAllen and practiced law in Edinburg where another member of the law firm was Edinburg's Mayor E. G. Henrichson; he was a native of Tyler, Texas, a graduate of the University of Texas law school, and had moved to Edinburg in 1949; he served as assistant Hidalgo County district attorney, and for several years was in the oil business; he was active in Hidalgo County and Valley politics; he is survived by his wife, Jane, and three sons of McAllen; and

Whereas, Cordell C. Edwards, age 41, moved to the Monte Alto community in 1942, after graduation from Texas A. & M. College; he worked at Rio Farms and for a number of years was an appraiser for the Federal Land Bank; he was active in Hidalgo County Democratic circles, was a Mason, and a member of the Church of Christ; he was a bachelor and survivors include his parents, Mr. and Mrs. C. W. Edwards of Monte Alto, and two sisters: Mrs. Obie Henchey of Raymondville, and another sister of Houston; and

Whereas, Ray Henry Guinn, age 38, was born in Louisiana but moved to the Valley with his parents at the age of one, in 1925; he was educated at Edcouch-Elsa High School, and was recently appointed a member of the Hidalgo County School Board; his big farm south of Donna was the scene in celebration of his harvests, of an annual barbecue which attracted the biggest political figures of the Valley and the entire state; he is survived by his wife, Kathleen, two daughters, Deborah and Diana, his parents, Mr. and Mrs. Robert H. Guinn, and a brother, Claude, of Houston; and

Whereas, the Senate of the Fifty-eighth Legislature wishes to pay tribute to these three outstanding and beloved citizens, who will be so sorely missed by their relatives and their many friends; now, therefore, be it

Resolved, That the Senate extends its deepest sympathy to members of the Butler, Edwards, and Guinn families in recognition of the great loss suffered as a result of this tragic accident; and be it further

Resolved, That a page in the Senate Journal be set aside in respect to Clarence Jackson Butler, Cordell C. Edwards, and Ray Henry Guinn; that copies of this resolution be sent to members of their immediate families; and that when the Senate adjourns today, that it do so in their honor.

**MOORE**

Signed—Lieutenant Governor Preston Smith; Alkin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Kazen, Kennard, Krueger, Moffett, Owen, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Kazen and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof. The resolution was then adopted by a rising vote of the Senate.